



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/884,859         | 06/18/2001          | Hugh R. Sharkey       | 17616-856              |

021971  
WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 943041050

CONFIRMATION NO. 3139  
FORMALITIES LETTER



\*OC000000006291483\*

Date Mailed: 07/12/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$18.
  - \$18 for 1 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 858.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/09/2001 BABRAHA1 00000100 232415 09884859

|           |           |
|-----------|-----------|
| 01 FC:201 | 370.00 CH |
| 02 FC:203 | 9.00 CH   |
| 03 FC:205 | 65.00 CH  |

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hugh R. Sharkey

Group No.: 3762

Serial No.: 09/884,859

Examiner: Unassigned

Filed: July 18, 2001

For: APPARATUS AND METHOD FOR ACCESSING AND PERFORMING A FUNCTION WITHIN AN INTERVERTEBRAL DISC

Commissioner for Patents  
Washington, D.C. 20231

## COMPLETION OF FILING REQUIREMENTS—NONPROVISIONAL APPLICATION

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 12, 2001. A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

## DECLARATION OR OATH

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## POWER OF ATTORNEY

- III. Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor.

## COMPLETION FEES

|   |          |
|---|----------|
| 1. Filing Fee: Original patent application (37 C.F.R. 1.16(a))    | \$355.00 |
| 2. Fee for Claims: Each claim in excess of 20 (37 C.F.R. 1.16(c)) | \$9.00   |
| 3. Surcharge Fee: Late payment of filing fee (37 C.F.R. 1.16(e))  | \$65.00  |
| 4. Assignment (See "ASSIGNMENT COVER SHEET").                     | \$40.00  |
| 5. Total completion fees  | \$469.00 |

## EXTENSION OF TIME

- IV. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.  
Fee Due: \$55.00

## REQUEST FOR CORRECTED FILING RECEIPT

- V. Attached is a copy of the official filing receipt for which issuance of a corrected filing receipt is respectfully requested. There are errors with respect to the following, which are incorrectly entered.

| Error in                           | Correct data   |
|------------------------------------|--|
| 1. Applicant name and/or addresses | - Hugh R. Sharkey, Menlo Park, CA; Sepehr Fariabi, Fremont, CA;<br>John Ashley, San Francisco, CA; Joel Saal, Portola Valley, CA;<br>Jeffrey Saal, Portola Valley, CA--. |

At least one of the above corrections is due to applicant's error and the fee under 37 C.F.R. 1.19(h), of \$25.00 applies.

## TOTAL FEE DUE

- VI. The total fee due is: Completion fees \$469.00, Extension of Time \$55.00 and Corrected Filing Receipt Fees \$25.00.  
TOTAL FEE DUE \$549.00

## PAYMENT OF FEES

- VII. Charge Account No. 23-2415 (17616-856) in the amount of \$549.00.  
Please charge Account No. 23-2415 (17616-856) for any fees that may be due by this paper.

*Paul Davis*  
Paul Davis, Reg. No. 29,294

Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

## CERTIFICATE OF EXPRESS MAILING (37 C.F.R. 1.10)

"Express Mail" Mailing Label No. EL682477161US.

I hereby certify that this paper or fee is being deposited, with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Date:

10/2/01

*Annette Palladino*  
Annette Palladino

10/18/2001 SDUDG 00000003 232415 09884859

55.00 CH

01 FC:215

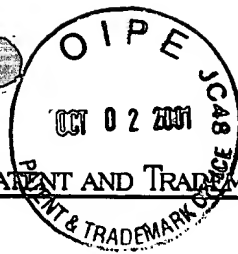
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Receipt

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/884,859         | 06/18/2001  | 3762         | 0.00          | 17616-856       | 25       | 21         | 1          |

CONFIRMATION NO. 3139

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650 PAGE MILL ROAD  
PALO ALTO, CA 943041050

DOCKETED

## FILING RECEIPT



\*OC000000006291482\*

Date Mailed: 07/12/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Hugh R. Sharkey, [Residence Not Provided:] Menlo Park, CA;  
Sepehr Fariabi, [Residence Not Provided:] Fremont, CA;  
John Ashley, [Residence Not Provided:] San Francisco, CA;  
Joel Saal, [Residence Not Provided:] Portola Valley, CA;  
Jeffrey Saal, [Residence Not Provided:] Portola Valley, CA --.

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/792,628 02/22/2001  
WHICH CLAIMS BENEFIT OF 60/185,221 02/25/2000

## Foreign Applications

If Required, Foreign Filing License Granted 07/12/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Apparatus and method for accessing and performing a function within an intervertebral disc

## Preliminary Class